

THE HONORABLE JOHN C. COUGHENOUR

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

DESMOND DAVID-PITTS,

Defendant.

CASE NO. CR20-0143-JCC

ORDER

This matter comes before the Court on Defendant's unopposed motion to proceed with a guilty plea hearing by telephone or video conference (Dkt. No. 23). Having thoroughly considered the motion and the relevant record, the Court hereby GRANTS the motion for the reasons explained herein.

I. BACKGROUND

On September 9, 2020, Defendant was charged by indictment with arson and pled not guilty. (Dkt. Nos. 15, 19.) Defendant has been detained since his arrest. (Dkt. No. 23 at 1.) The parties have reached a plea agreement and Defendant moves to enter a guilty plea by telephone or video conference. (Dkt. No. 23.) The Government does not oppose the request. (*Id.*) According to Defendant's motion, under the plea agreement, Defendant will plead guilty to an information charging Defendant with conspiracy to commit arson. (*Id.* at 1.) Under the terms of the agreement, Defendant is free to ask the Court to impose a sentence of time served and if the

1 Court does impose an additional sentence, Defendant will seek rehabilitative services at Bureau
2 of Prisons facilities that are not available at the Federal Detention Center. (*Id.* at 2.)

3 **II. DISCUSSION**

4 Because of the health risks posed by the COVID-19 pandemic, the Court may conduct a
5 felony plea hearing by video conference if the defendant consents and the Court finds that the
6 plea hearing cannot be further delayed without serious harm to the interests of justice. *See*
7 Coronavirus Aid, Relief, and Economic Security (CARES) Act, Pub. L. No. 116-136,
8 §§ 15002(b)(2)(A), (b)(4), 134 Stat. 281, 528–29 (2020); W.D. Wash. General Order No. 17-20
9 (Dec. 23, 2020), 14-20 (Sept. 24, 2020), 04-20 (Mar. 30, 2020). Defendant has a strong interest
10 in the speedy resolution of this matter. Under General Order 18-20, in-person proceedings will
11 not resume in this District until at least April 1, 2021. *See* W.D. Wash. General Order No. 18-20
12 at 2 (Dec. 30, 2020). The Court finds that delaying Defendant’s guilty plea hearing, and therefore
13 his sentencing, despite having already reached a plea agreement with the Government, would
14 cause serious harm to the interests of justice.
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17 **III. CONCLUSION**

18 For the foregoing reasons, the Court GRANTS Defendant’s unopposed motion to proceed
19 with a guilty plea hearing by video conference (Dkt. No. 23). The Court ORDERS that
20 Defendant’s guilty plea hearing before a Magistrate Judge be set as soon as practicable and be
21 conducted by video conference. The Court DIRECTS the presiding judge to establish a record of
22 Defendant’s consent for the hearing, in accordance with General Order No. 04-20.

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1 DATED this 19th day of January 2021.

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5 John C. Coughenour
6 UNITED STATES DISTRICT JUDGE
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